

**MINUTES**  
**CANBY PLANNING COMMISSION**  
Regular Meeting  
April 28, 1997  
7:30 P.M.

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**I. ROLL CALL**

**Present:** Chairman Ewert, Vice-Chair Stewart, Commissioners O'Shea, Prince and Keller.

**Staff:** James Wheeler, Planning Director, Larry Vasquez, Assistant Planner, and Joyce Faltus, Secretary

**Others Present:** Councilman Brad Gerber

**II. MINUTES**

Commissioner **Stewart** moved to approve the April 14, 1997 minutes, as submitted. Commissioner **Keller** seconded the motion and it carried unanimously.

**III. CITIZEN INPUT ON NON-AGENDA ITEMS**

Councilman Gerber appeared before the Commission as Council liaison for the Planning Commission. He asked for a volunteer from the Commission to serve on the panel to choose the new Planning Commissioner. Both Chairman Ewert and Commissioner Prince volunteered to partake in the process. Councilman Gerber and Commissioner Prince suggested that the committee meet an hour prior to the City Council meeting to review the questions that would be asked of the four applicants to ensure they are all asked the same questions. Councilor Gerber stated that he would advise the Commissioners of the date and, hopefully, the new Commissioner would be on board by the first Planning Commission meeting in May.

Councilor Gerber was asked for an update on the budget meetings. Specifically, he summarized that some areas of the budget were progressing along very smoothly, while other areas, where the City Administrator is recommending restructuring current positions, were going to be discussed further. The City Recorder, Accounts Payable Clerk, and Community Services Secretary positions are recommended for elimination, with restructuring proposed to include 3 office specialist positions. It was apparent that there was no consensus on the proposed restructuring and it was determined to be necessary to

hold a special meeting of the City Council on April 30th at 6:00 p.m. to discuss the restructuring, as proposed by the City Administrator. The outcome of the April 30th meeting will have a significant impact on the rest of the budget process, he explained, as will the discussion regarding the 9-1-1 dispatch system. Commissioner Prince asked if he was correct in that the 9-1-1 issue would be discussed at a later date. Councilor Gerber explained that he understood that the agenda was amended to include 9-1-1 issues at the beginning of the special meeting. Subsequent meetings will include covering funding for affiliated agencies. Mr. Gerber explained further that the most pressing concern dealing with the restructuring proposal is the proposed elimination of the Community Services Secretary and that significant concerns dealing with that issue would need to be addressed. Commissioner Stewart expressed concern about how this proposed elimination would impact the Commission and the Community Services Department. Commissioner Prince expressed the need for the Community Services Secretarial position in order to facilitate accomplishing Commission goals. Another critical issue is the Code Enforcement position which is slated for elimination and which would have a significant impact on the enforcement of Commission conditions of approval. Commissioner O'Shea explained that he has observed the effect of the Code Enforcement Officer's job on enforcing the Planning Commission's conditions of approval, and on citizen complaints, adding that he would not like that job eliminated.

Councilor Gerber explained that the different City departments have submitted proposals under the "Worst Case Scenario." The Council will be looking at whether the best efforts were expended to look at the worst case scenario, or whether there is another way to look at the situation. A lot depends on the "what if's" and the Attorney General's interpretation, and Measure 50, the rewrite of Measure 47. Both will have different repercussions and losses and benefits to the City, depending on the interpretation, he explained. The City should be prepared for the worst, and hope for the best, he added.

Commissioner Stewart pointed out that as the City grows, it will need a very pro-active Planning Department. Canby-By-Design and the Visioning process should be supportive of planning efforts, he added, as should the Downtown Revitalization Committee.

Commissioner Keller explained that the Downtown Revitalization Committee is not part of the City structure. It is a separate Chamber of Commerce organization. The Commission requested staff to contact Heidi Henry and Harry Lee Kwai to request that they come before the Commission to review their plans for downtown Canby.

Staff explained that a report will be going to the Council shortly regarding voter-approved annexation, which will give them information about the current process and some of the existing ordinances that deal with this issue, including bills in the Legislature. Commissioner Stewart explained that it is expected that the Legislature will probably do

away with those bills during this session. Staff explained that there is legislation to do away with the Metropolitan Boundary Commission and have METRO take it over. METRO would only handle what is within their boundaries, which would leave Canby out and, thereby, change our current process. Councilor Gerber explained asked what would happen if the legislature does away with the Portland Metropolitan Boundary Commission and, since Canby is outside of the METRO jurisdiction, if Canby would have full jurisdiction over all annexations and, if so, how annexations could be appealed. Staff explained that it would probably be appealed by a vote of the people, or to the Circuit Court. Staff explained that Corvallis accepts annexation applications and hold elections twice a year. Public hearings are held three or four months prior to the election to make a determination as to whether or not the application meets the criteria. If it does, then an election is organized. Chairman Ewert remarked that he is in favor of the Corvallis ordinance that is in place, in that it does not eliminate the hearing process. Mr. Wheeler said he was directed to gather information and present it to City Council for discussion on May 7th. Commissioner Prince stated that it was a good idea to have hearings before the Planning Commission prior to an election in order to give all the information to the citizens and have them be part of the process. He pointed out that the Design Review process after an annexation is approved is also very important.

Commissioner Stewart pointed out that Canby has a wonderful interaction system between planning staff, the Planning Commission, and the City Council, which many other cities do not have, and it is a very fair system to both homeowners and developers. Councilman Gerber agreed, adding that keeping the lines of communication open between the Commission and Council, in order to maintain integrated was, indeed, very important. Further, he pointed out that as Council liaison, he is always available, and that Commissioners should feel free to contact him at any time.

#### **IV. FINDINGS**

##### **CUP 97-02 - Canby School District**

Commissioner Prince recalled that the Commission had requested that the Building Official might inspect the modulars for soundness. Mr. Wheeler was to check with Mr. Godon to see whether that could be done, but has not checked with him yet. Commissioner Prince moved to table the Final Order until Mr. Wheeler checks with the Building Official to see whether the modulars can be inspected to see if they are structurally sound. Commissioner Stewart seconded the motion and it carried unanimously.

**VAR 97-03 - Shippee**

Commissioner Keller moved to approve the Final Order for VAR 97-03.  
Commissioner Stewart seconded the motion and it carried unanimously.

**V. COMMUNICATIONS**

None

**VI. PUBLIC HEARINGS**

None

**VII. NEW BUSINESS**

JV Northwest, Inc. - Larry Vasquez explained that JV Northwest submitted a sign permit application for their facility which, as part of the conditions of approval, was to be brought back before the Planning Commission for review. As changes are being made, with which he is not yet familiar, Mr. Vasquez explained that he preferred to wait until the May 12th meeting to bring it before the Commission.

**VII. OLD BUSINESS**

Mr. Wheeler explained that, at the March 10th Planning Commission meeting, the Commission discussed temporary tent structures. The Commission had concluded that, regardless of size, if they were in existence more than 30-days in a 90-day period, they would be reviewed under Site and Design Review. Mr. Wheeler pointed out that a letter regarding this issue was submitted by Debra Wade and just received on April 28, 1997, but pointed out that Ms. Wade was invited to attend this meeting.

In an attempt to bring Commissioner O'Shea up to date, staff explained that, currently, the only wording in the Ordinance regarding temporary structures not requiring Site and Design Review is in regards to public structures if they are up for less than two years. There is no other explicit wording to cover tents used for sidewalk sales, fireworks stands, etc. Further, staff pointed out that Mr. Gerber complied with everything the Planning Department required of him for the site that is located between the TNT Market and the BP Oil on the north side of Highway 99-E. BP had dug out the gas tanks on this site and put soil on the site, with the perimeter in railroad ties. The area is currently fenced, and has a 20'x 24' tent set up on poles to shade and shelter some of the plants. There is parking on both sides of the lot, with the majority of parking on the eastern portion, on the BP Oil site.

Staff treated the current landscape supply business as it had treated the same temporary business that existed last year on the corner of Highway 99-E/Ivy, as no complaints were received. Presently, a sign permit has been approved for the current temporary business and will be picked up shortly. The Fire Department has approved the tent for a period for a period up to six months. The trailer has received a special permit from the City Council, with an interpretation from the City Attorney that the provision of the Planning Ordinance can override provisions in the Building Code that a commercial structure (trailer) on a commercial lot must have a commercial insignia. The City Council special permit was issued for the use of a travel trailer on a commercial lot. The only remaining issue is whether the Commission wants to review the tent under Site and Design Review as a structure over 120 square feet in size, which has been in existence more than 30 days. This process falls into a grey area as it is not provided for, specifically, in the Ordinance, similar to the arbor fence on N. Birch that came before the Commission about a year ago. Further, Mr. Wheeler added that the temporary landscape business would only operate until June 30. The Commission agreed that, if a Site and Design Review application was applied for at the present time, it would come before the Commission about the same time that the business would be ceasing to be active.

Mr. Wheeler explained that the Commission held a brief, informal discussion regarding this issue and that no public hearing was ever held regarding an official interpretation. The Commission agreed that it would not make sense to hold a Site and Design Review hearing for every temporary business. Further, it was agreed that a definition for a temporary structure sited at a temporary business or activity should be included in the Land Development and Planning Ordinance and until it became a black-and-white issue that was included, the applicant should not be penalized, especially since the intent of the trailer was approved by City Council. When included in the Ordinance, restrictions would be as restrictive as agreed upon by a formal hearing by the Commission. Before anything similar comes before the Commission, Mr. Wheeler agreed that he would investigate what other cities do in this type of situation. Further, Mr. Wheeler explained that for Site and Design Review, under the revised ordinance, the tent structure would fall under "exemptions" and would add "temporary structures that are in place for a certain period of time." In addition, other restrictions could be added, he explained, when the ordinance is amended.

In light of the fact that the Council took action on this and permitted the trailer on the site, and that the tent is a part of the operations of the business, the Commission, agreed not to take further action. Additionally, the Commission agreed not to take further action because the Ordinance has not been revised to include this issue, and to do so informally, would penalize the business owner.

Brad Gerber, 1282 SE 11th Loop stated that there were many misleading and incorrect statements in the letter submitted by Ms. Wade.

## VIII. DIRECTOR'S REPORT

Mr. Wheeler explained that HOPE linear park has an easement for the park and has removed the dedication. The park is open for public use and HOPE maintains it, he added. It is in the process of being recorded with the County.

Mr. Wheeler explained that he attended an Access Management Plan meeting with ODOT, where it was agreed that there would be more involvement between ODOT and the public. ODOT has been working with an older set of implementation language than Canby was working with, and will begin working with the more updated language now. Discussions were very general, and staff would like ODOT to have more interaction with business owners and the public, rather than only through staff.

Additionally, Mr. Wheeler explained that another annexation application for property on N. Redwood will be discussed this week with a potential applicant. Also, staff received a phone call from someone who would like to site a food recycling operation in Canby. Further, there will be a meeting on April 29th, regarding the potential development of the Arneson property.

New Life Foursquare Church sent a letter to the Governor's office regarding the need for a traffic signal at Territorial/Highway 99-E. The Governor's office forwarded the letter to ODOT for reply. The reply from ODOT stated that the signalization project could amount to more than \$2 million more than originally estimated, due to the grade separation that would be required for the railroad and Territorial Road because of the higher volume of freight rail traffic and high speed rail.

The Commission discussed Periodic Review. Mr. Wheeler explained that it really doesn't have to begin until DLCD sends us a notice, and then there is a 5 year timeframe in which to update the Comprehensive Plan. Mr. Vasquez explained that he is meeting with representatives from OEDD to investigate the possibility of funding that might be available to do a second phase of the master plan. Hopefully, he added, a work program could be planned by the fall of the year. Mr. Vasquez also explained that a work program should be in place for Phase 2 of the Industrial Park and that data should lend itself well to the industrial part of the Periodic Review process.

Mr. Wheeler gave a short synopsis of the proposed ordinance amendments that were in each Commissioner's packet. He asked that they review them and make additional suggestions and/or changes before they are scheduled for a hearing.

The Commission discussed the following issues with staff:

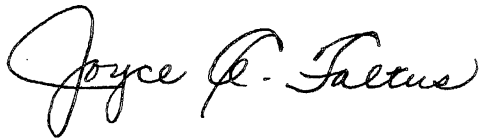
1. Further discussion of the Periodic Review timetable will take place at the June 9 Commission meeting. Staff explained that baseline measures are in progress, such as the fact that Clint is doing an inventory of buildable lands.
2. A complaint from a resident, Clint Buswell, at 110 S.W. 13th Avenue with regard to a large uncovered hole at the intersection of 13th/Ivy. There is concern for children who might fall into the hole. A large arborvitae hedge on Mr. Buswell's property, and his sprinklers, were torn out by the crews, in preparation for the traffic signal. Although dirt has been replaced, the hedge has not been replaced, nor has the sprinkler system. Mr. Buswell indicated that he might prefer to replace the arborvitae hedge with a wood fence. Chairman Ewert suggested staff contact Mr. Buswell.
3. What size trees the City should require be planted to replace mature trees that are removed. Staff responded that 4" - 5" trees should replace mature trees that are removed.
4. Commissioner Prince explained that in various areas, rather than develop at maximum R-2 level, some developers are building homes that are approximately 1,100 square feet, mixed with duplexes, which accomplishes lower income and starter housing. This is especially important, he explained, as the government is no longer filling that gap with Farm Home construction loans, and the average homes are far too expensive for first time home buyers.
5. That barricades should be placed at the end of HOPE Village on the S. Ivy side. Chairman Ewert said he's seen cars come flying out onto Ivy from that area of the site and suggested the barricades be installed, with traffic entering and exiting from S.W. 13th, which is much safer. A condition of approval assuring the barricade comes into effect in Phase 2, staff explained.
6. Whether residents could move into HOPE Village prior to installation of the traffic signal. Staff explained that they could.
7. Regarding Shimadzu, staff explained that construction access is taken off of Highway 99-E at the north end of the site, through Mr. Burden's property.
8. Regarding JV Northwest, it was pointed out that the trail from the Logging Road to 4th Avenue has recently been paved.

9. Chairman Ewert asked for update on the tree situation on Pine Street, as he is being contacted about it very often. Mr. Vasquez explained that he is still working on that issue.

## IX. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce A. Faltus".

Joyce A. Faltus